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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TAMARA GRABOWSKI, On Behalf of
Herself, All Others Similarly Situated and
the General Public,

Plaintiff,

v.

SKECHERS U.S.A., INC.,

Defendant.

Case No.

10 CV 1300 JM

WVG

CLASS ACTION

CLASS ACTION COMPLAINT FOR:

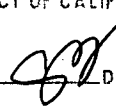
1. VIOLATION OF THE UNFAIR COMPETITION LAW, Business and Professions Code §17200 *et seq.*;
2. VIOLATIONS OF CONSUMERS LEGAL REMEDIES ACT, Civil Code §1750 *et seq.*; AND
3. BREACH OF EXPRESS WARRANTY

DEMAND FOR JURY TRIAL

FILED

2010 JUN 18 AM 11:20

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

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ORIGINAL

CP

1 Plaintiff Tamara Grabowski ("plaintiff") brings this action on behalf of herself and all
 2 others similarly situated against defendant SKECHERS U.S.A., Inc. ("SKECHERS" or
 3 "defendant"), and states:

4 JURISDICTION AND VENUE

5 1. This Court has original jurisdiction pursuant to 28 U.S.C. §1332(d)(2). The
 6 matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$5,000,000
 7 and is a class action in which some of the members of the class of plaintiffs are citizens of
 8 states different from SKECHERS. Further, greater than two-thirds of the class members
 9 reside in states other than the state in which SKECHERS is a citizen.

10 2. Venue is proper in this Court pursuant to 28 U.S.C. §1391 in that many of the
 11 acts and transactions giving rise to this action occurred in this district and because defendant:

12 (a) is authorized to conduct business in this district and has intentionally
 13 availed itself of the laws and markets within this district through the promotion, marketing,
 14 distribution and sale of its products in this district;

15 (b) does substantial business in this district; and

16 (c) is subject to personal jurisdiction in this district.

17 NATURE OF ACTION

18 3. SKECHERS manufactures, markets and sells a type of men's and women's
 19 footwear known as SKECHERS Shape-ups®. Through an extensive and comprehensive
 20 nationwide marketing campaign, SKECHERS claims the expensive Shape-ups® (starting at
 21 \$100 per pair) will provide to anyone who wears them a variety of health benefits ordinary
 22 footwear cannot provide. SKECHERS promises that its shoes improve posture, promote
 23 weight loss, strengthen the back, improve blood circulation, promote sleep, reduce mental
 24 stress, reduce physical stress on knees, legs and ankle joints, and burn calories. SKECHERS
 25 represents that clinical studies show that Shape-ups® are proven to provide these major health
 26 benefits. However, SKECHERS Shape-ups® are not proven to provide any of these benefits.
 27 To the contrary, its Shape-ups® may cause or exacerbate the very type of problems
 28

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1 SKECHERS claims its footwear provides. SKECHERS' representations are false,
2 misleading, and reasonably likely to deceive the public.

3 4. SKECHERS' nationwide advertising campaign has been extensive and
4 comprehensive, spending millions of dollars to convey these deceptive messages to
5 consumers throughout the United States. SKECHERS conveyed and continues to convey its
6 deceptive claims about Shape-ups® through a variety of media, including point of sale
7 displays, television, newspapers, magazines, direct mail, the Internet and on the product's
8 packaging. The only reason a consumer would buy Shape-Ups® is to obtain the advertised
9 benefits.

10 5. SKECHERS' advertising and marketing campaign is designed to cause
11 consumers to buy Shape-ups® as a result of the deceptive health benefits message, and
12 SKECHERS has succeeded. As a result of this campaign, the Shape-ups® launch has
13 elevated the footwear brand to the top seller in its product category, and generated record
14 sales exceeding \$100 million.

15 6. And as a result of the misleading messages conveyed through its campaign,
16 SKECHERS has sold footwear that does not perform as advertised, and can cause harm to
17 people who wear them. Further, SKECHERS has been able to charge a significant price
18 premium for Shape-ups® over other footwear products, including other SKECHERS
19 footwear products.

20 7. Plaintiff brings this action on behalf of herself and other similarly situated
21 consumers who purchase Shape-ups® in the United States in order to halt the dissemination
22 of this false and misleading advertising message, correct the false and misleading perception
23 SKECHERS has created in the minds of consumers, and to obtain redress for those who have
24 purchased Shape-ups®. Plaintiff alleges violations of the Consumers Legal Remedies Act,
25 the Unfair Competition Law, and breach of express warranty created by SKECHERS'
26 marketing, including its advertising and packaging.

PARTIES

8. At all times relevant to this matter, plaintiff Tamara Grabowski resided and continues to reside in this district. During the class period, plaintiff was exposed to and saw SKECHERS' advertising claims, purchased Shape-ups® in reliance on these claims, and suffered injury in fact and lost money as a result of the unfair competition described herein.

9. Defendant SKECHERS (NYSE: SKX), is incorporated in the State of Delaware and is headquartered in Manhattan Beach, California. SKECHERS is registered to do business in the State of California, and does business in the State of California. SKECHERS' corporate headquarters and additional administrative offices are located at five premises in Manhattan Beach, California. From its Manhattan Beach headquarters and Ontario, California distribution centers, SKECHERS created the false and deceptive advertising campaign at issue, and promotes, markets, distributes, and sells Shape-ups® to hundreds of thousands of consumers throughout the United States. As stated in its most recent Form 10-K filing, the majority of SKECHERS advertising is conceptualized using its in-house design team, and senior management is directly involved in shaping the image and conception, development and implementation of its advertising and marketing activities. Along with wholesale distribution, SKECHERS sells the Shape-ups® footwear on its e-commerce website and in its own retail stores.

FACTUAL ALLEGATIONS

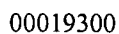
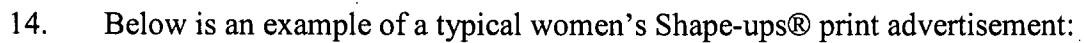
10. The Shape-ups® footwear manufactured, advertised, marketed and sold by SKECHERS have a sole that curves outward from the bottom of the foot, so the bottom of the shoe is a convex, semi-circular shape. It is known in the industry as a "rocker bottom" shoe. Shape-ups® footwear is the leader in this new category of footwear. The rocker bottom shoe category enjoyed retail sales of about \$145 million in 2009, up from just \$17 million in 2008, and is expected to materially increase over the next several years. In fact, in just the first four months of 2010, sales of rocker bottom shoes skyrocketed to \$252 million. The following is an example of one of SKECHERS Shape-ups® shoes:



11. SKECHERS represent that Shape-ups® work as follows: “Designed to improve your life by changing the way you walk, Shape-ups feature a unique soft kinetic wedge insert and dynamic rolling bottom to simulate walking on soft sand. With the comfort of Shape-ups, you will feel your heel sink to the ground as you step, roll forward as your weight shifts to its center, and push off with your toes. This movement will result in stronger leg, buttock, back and abdominal muscles as you stabilize your steps.”

12. In June 2009 SKECHERS launched its Shape-ups® line of footwear in the United States. On Shape-ups® packaging and in its other advertisements, SKECHERS stated and continues to state that Shape-ups® provide major health benefits, including reducing knee and joint stress, toning muscles, promoting weight-loss, improving posture, improving blood circulation, tightening abdominal muscles, strengthening and firming back muscles, firming leg muscles and firming calf muscles. SKECHERS promises to provide the benefits of exercising, without the need to exercise, or exercise as much.

13. Throughout the relevant time period, SKECHERS has marketed Shape-ups® using similar and deceptive advertising and packaging. Likewise, the marketing for men’s and women’s Shape-ups® contains substantially the same message. The following is an example of a typical men’s Shape-ups® print advertisement:



15. Another print advertisement promises:

CHANGE YOUR LIFE BY WALKING IN Shape-ups.

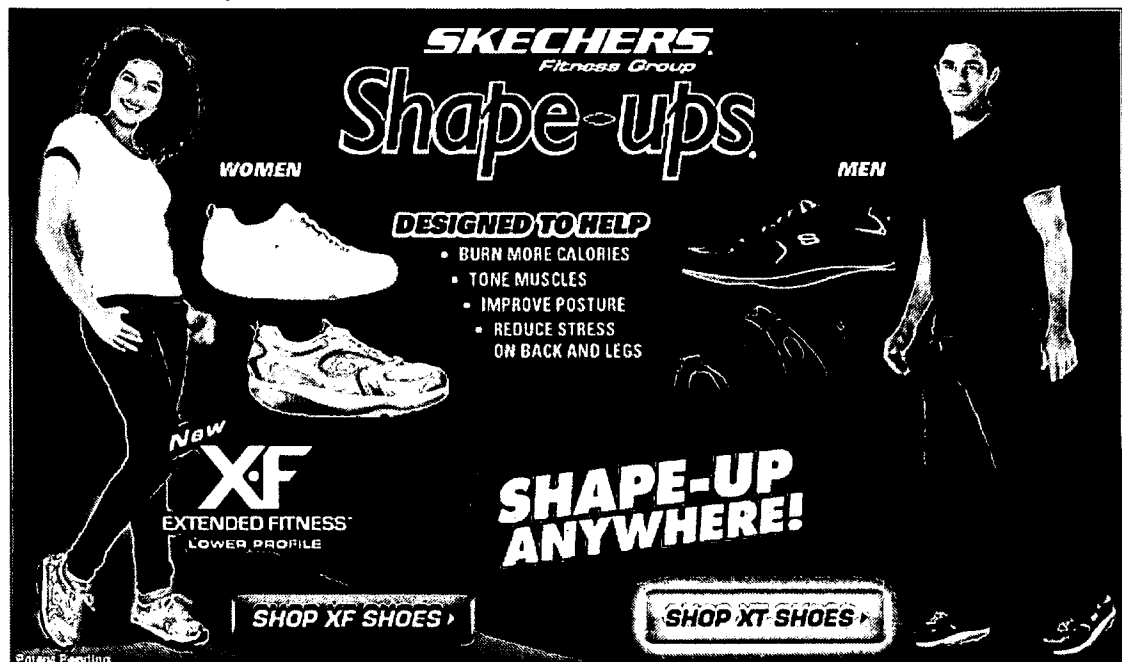
Shape Ups® are designed to enhance the benefits of walking by stimulating muscles not utilized with standard walking shoes. They also reduce the impact on joints by providing a more neutral, forgiving walking surface. Walking on a soft surface may seem awkward at first, but your body will compensate by activating muscles in your legs, buttocks, back and stomach to center your body, resulting in improved coordination and posture, stronger muscles, and increased blood flow.

Shape Ups will have a positive impact on you physically. Regular use of Shape Ups help you sleep better and can play an important role in combating stress. **It's as easy as walking in Shape Ups.**

16. The Shape-ups® print advertisements each contain substantially similar messages about Shape-ups® ability to provide health benefits. Attached as Exhibit A is a collection of some of the advertisements containing the uniform false and deceptive statements.

17. SKECHERS also repeats the Shape-ups® misrepresentations on its websites: www.SKECHERS.com, www.soholab.com, and www.myshapeups.com. These websites are available to the general public and SKECHERS' advertisements in other media promote these websites.

18. For example, on the front page of its SKECHERS.com website, SKECHERS makes the following claims:



19. According to SKECHERS, there are "**3 REASONS WHY YOU NEED Shape-ups**":

1. Stronger You

Shape-ups are designed to help you strengthen your muscles, including your back, abdomen, and calves.

2. Healthier You

Shape-ups will help you lose weight and improve your circulation, creating a healthier you!

3. Easy Exercise Routine

It's easy to shape up with Shape-ups. Wear your Shape-ups everywhere and anywhere you walk (or stand), and your body will feel the benefits.

20. SKECHERS print and website advertisements reinforce the health benefits messages by using purported doctor endorsement and customer testimonials:

"After performing a six-week clinical trial testing the benefits of SKECHERS Shape-ups, I am confident in recommending them to patients to increase their low back endurance and improve gluteal strength. Patients also benefitted from weight loss and improved body composition."

- Dr. Steve Gautrea, California

"These Shape-ups help me get a good walking workout without killing my knees or shins. They have amazing cushioning and the rolling motion minimizes the impact on my joints."

- Sarah, London

"Shape-ups really help my back feel better – and after walking in the shoes daily, my muscles feel much stronger."

- Frank, Arizona

21. SKECHERS Shape-ups® television commercials convey the same message by SKECHERS in other media. A typical Shape-ups® television commercial claims:

- [Announcer voice]: "Get in shape without setting foot in a gym with Shape-ups® from SKECHERS."
- [Testimonial from Lisa - Ohio]: "I already feel a difference in the way my jeans fit."
- [Testimonial from Nina – Texas]: "My feet, legs and back don't hurt anymore."

1 • [Voice of Pro Football Hall of Fame quarterback Joe Montana]: "I'm Joe
2 Montana, and I spent 16 years playing pro football, and Shape-ups® have
3 improved my strength and posture."

4 • [Announcer voice]: "Get in shape. Shape-ups® from SKECHERS."

5 22. Another typical commercial, featuring Hall of Fame Quarterback Joe Montana,
6 claims:

7 "I've been an athlete all my life. When I came out of football I couldn't do a
8 whole lot. I'd had knee surgeries, back surgeries...I've heard all these
9 promises from all kinds of shoe companies about the new cushioning system
10 that's gonna change this, change that. All of the sudden I came across the
11 Shape-ups® and my knees were feeling better after long walks, my back wasn't
hurting quite as much, all of the sudden my posture was changing and I started
feeling a lot better and, you know, thinking some crazy things all of the sudden.
You're all hearing my comeback. What we would like to do is hear about your
comeback. Got to myshapeups.com and share your story with us."

12 23. To further reinforce the appearance that its claims are legitimate and different
13 from ordinary footwear, each pair of Shape-ups® comes with an "instructional booklet" and
14 "instructional DVD."

15 24. SKECHERS also claims that the Shape-ups® major health benefits have been
16 shown in clinical studies. For example, at its skechers.com and soholab.com websites,
17 SKECHERS states: "Four clinical studies in the US and Japan show that Shape-ups increase
18 muscle activity and energy consumption over standard fitness shoes!" However, none of
19 these studies constitutes reliable scientific or clinical proof. These studies were funded by
20 SKECHERS, and none of them have been published in peer-reviewed journals. SKECHERS
21 does not make the full studies publically available.

22 25. Even SKECHERS' own purported clinical proof demonstrates the falsity of its
23 claims. Contrary to SKECHERS' advertising claims, one of the four purported clinical
24 studies concluded that the participants wearing Shape-ups® did not experience statistically
25 significant differences in terms of weight loss or body composition. See S. Gautreau,
26 Skechers Shape Ups Clinical Case Study, [http://www.fitnessfootwear.com/t-Skechers-Shape-](http://www.fitnessfootwear.com/t-Skechers-Shape-Ups-Clinical-Case-Study.aspx)
27 [Ups-Clinical-Case-Study.aspx](http://www.fitnessfootwear.com/t-Skechers-Shape-Ups-Clinical-Case-Study.aspx) (last visited June 17, 2010).
28

1 26. SKECHERS also states that "Doctors and researchers have confirmed that
2 walking in Shape-ups can have major benefits on our health, including:

- 3 • More toned and strengthened leg, back, buttock and abdominal muscles
4 • Reduced body fat
5 • Improved circulation, aerobic condition and exercise tolerance
6 • Improved posture, relieving muscle tension and back/joint problems."

7 27. However, clinical evidence that has been subjected to scientific peer-review –
8 unlike the four purported clinical studies listed on SKECHERS' websites – suggests that not
9 only are SKECHERS' claims regarding Shape-ups® false and deceptive, but that wearing
10 Shape-ups® as directed could result in harm to the wearer. For example, in one published
11 study conducted to determine the effectiveness of unstable shoe construction (rocker
12 bottomed shoes) on reducing pain and increasing balance in persons with knee osteoarthritis
13 found that there was no significant difference between the test group that wore an unstable
14 shoe construction and the control group in either pain reduction or increased balance.
15 *"Unstable Shoe Construction and Reduction of Pain in Osteoarthritis Patients,"* Nigg,
16 Benno, *et al.*, Medicine & Science in Sports & Exercise (2006).

17 28. As to SKECHERS' claim that wearing Shape-ups® reduces joint stress,
18 another published study testing unstable shoe construction on joints did not find evidence to
19 support the hypothesis that unstable shoe construction reduced joint loading; rather there was
20 no significant difference in the nine joint impulses measured between the group that wore
21 unstable shoes and the control group that wore a regular running shoe. *"Effect of unstable*
22 *Shoe Construction on Lower Extremity Gait Characteristics."* Nigg, Benno, *et al.*, Clinical
23 Biomechanics (2005).

24 29. Based upon the purported major health benefits conveyed in its marketing and
25 advertising, SKECHERS is able to price Shape-ups® at a premium to other similar footwear.
26 In fact, the average retail price of Shape-ups® is almost double the price of other
27 SKECHERS shoes. Through the uniform deceptive and misleading marketing campaign,
28

1 SKECHERS leads consumers to believe that the proven health benefits justify the price
2 differential.

3 30. Shape-ups® have resulted in record sales revenues for SKECHERS.
4 According to SKECHERS' Chief Operating Officer during an investor conference call on
5 February 17, 2010, "I know the [Shape-ups®] category for us is bigger than we anticipated."
6 In October 2009 analysts predicted that SKECHERS was selling an average of 35,000 pairs
7 of Shape-ups® per week.

8 31. During the first quarter of 2010, SKECHERS' quarterly sales surged 44
9 percent, with record quarterly sales and earning totaling \$492 million and \$56 million,
10 respectively. According to an industry survey conducted on May 16, 2010, six of the top ten
11 athletic shoes were so-called toning products – with four of the ten shoes being Shape-ups®.
12 In 2009, an industry analyst predicted that Shape-ups® held an 80 percent market share of the
13 \$145 million rocker-bottom shoe market.

14 CLASS DEFINITION AND ALLEGATIONS

15 32. Plaintiff brings this action on behalf of herself and members of a Class defined
16 as:

17 All persons who purchased SKECHERS Shape-ups® branded footwear in the
18 United States. Excluded from the Class are defendant and its officers, directors
19 and employees and those who purchased SKECHERS Shape-ups® branded
20 footwear for the purpose of resale.

21 33. *Numerosity.* The members of the Class are so numerous that their individual
22 joinder is impracticable. Plaintiff is informed and believes, and on that basis alleges, that the
23 proposed Class contains hundreds of thousands of members. The precise number of Class
24 members is unknown to plaintiff. The true number of Class members is known by the
25 defendant, however, and thus, may be notified of the pendency of this action by first class
26 mail, electronic mail, and by published notice.

27 34. *Existence and Predominance of Common Questions of Law and Fact.*
28 Common questions of law and fact exist as to all members of the Class and predominate over

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any questions affecting only individual Class members. These common legal and factual questions include, but are not limited to, the following:

- (a) whether SKECHERS had adequate substantiation for its claims prior to making them;
- (b) whether the claims discussed above are true, or are misleading, or reasonably likely to deceive;
- (c) whether SKECHERS' alleged conduct violates public policy;
- (d) whether the alleged conduct constitutes violations of the laws asserted;
- (e) whether SKECHERS engaged in false or misleading advertising;
- (f) whether plaintiff and Class members have sustained monetary loss and the proper measure of that loss;
- (g) whether plaintiff and Class members are entitled to an award of punitive damages; and
- (h) whether plaintiff and Class members are entitled to declaratory and injunctive relief.

35. **Typicality.** Plaintiff's claims are typical of the claims of the members of the Class in that the defendant was unjustly enriched as a result of plaintiff's and the Class' respective purchases of Shape-ups®.

36. **Adequacy of Representation.** Plaintiff will fairly and adequately protect the interests of the members of the Class. Plaintiff has retained counsel experienced in complex consumer class action litigation, and plaintiff intends to prosecute this action vigorously. Plaintiff has no adverse or antagonistic interests to those of the Class.

37. **Superiority.** A class action is superior to all other available means for the fair and efficient adjudication of this controversy. The damages or other financial detriment suffered by individual Class members is relatively small compared to the burden and expense that would be entailed by individual litigation of their claims against the defendant. It would thus be virtually impossible for the Class, on an individual basis, to obtain effective redress for the wrongs done to them. Furthermore, even if Class members could afford such

1 individualized litigation, the court system could not. Individualized litigation would create
 2 the danger of inconsistent or contradictory judgments arising from the same set of facts.
 3 Individualized litigation would also increase the delay and expense to all parties and the court
 4 system from the issues raised by this action. By contrast, the class action device provides the
 5 benefits of adjudication of these issues in a single proceeding, economies of scale, and
 6 comprehensive supervision by a single court, and presents no unusual management
 7 difficulties under the circumstances here.

8 38. In the alternative, the Class may also be certified because:

9 (a) the prosecution of separate actions by individual Class members would
 10 create a risk of inconsistent or varying adjudication with respect to individual Class members
 11 that would establish incompatible standards of conduct for the defendant;

12 (b) the prosecution of separate actions by individual Class members would
 13 create a risk of adjudications with respect to them that would, as a practical matter, be
 14 dispositive of the interests of other Class members not parties to the adjudications, or
 15 substantially impair or impede their ability to protect their interests; and/or

16 (c) defendant has acted or refused to act on grounds generally applicable to
 17 the Class thereby making appropriate final declaratory and/or injunctive relief with respect to
 18 the members of the Class as a whole.

19 39. Unless a Class is certified, defendant will retain monies received as a result of
 20 its conduct that was taken from plaintiff and Class members. Unless a Class-wide injunction
 21 is issued, defendant will continue to commit the violations alleged, and the members of the
 22 Class and the general public will continue to be misled.

23 COUNT I

24 Violation of Business & Professions Code §17200, *et seq.*

25 40. Plaintiff repeats and realleges the allegations contained in the paragraphs
 26 above, as if fully set forth herein.

27 41. Plaintiff brings this claim individually and on behalf of the Class.
 28

1 42. As alleged herein, plaintiff has suffered injury in fact and lost money or
2 property as a result of defendant's conduct because she purchased SKECHERS Shape-ups®
3 branded footwear.

4 43. The Unfair Competition Law, Business & Professions Code §17200, *et seq.*
5 ("UCL"), prohibits any "unlawful," "fraudulent" or "unfair" business act or practice and any
6 false or misleading advertising. In the course of conducting business, defendant committed
7 unlawful business practices by, *inter alia*, making the representations (which also constitutes
8 advertising within the meaning of §17200) and omissions of material facts, as set forth more
9 fully herein, and violating Civil Code §§1572, 1573, 1709, 1711, 1770, Business &
10 Professions Code §§17200, *et seq.*, 17500, *et seq.*, California Health & Safety Code §110390,
11 *et seq.*, 21 U.S.C. §301, *et seq.*, and the common law.

12 44. Plaintiff and the Class reserve the right to allege other violations of law which
13 constitute other unlawful business acts or practices. Such conduct is ongoing and continues
14 to this date.

15 45. Defendant's actions also constitute "unfair" business acts or practices because,
16 as alleged above, *inter alia*, defendant engages in false advertising, misrepresents and omits
17 material facts regarding its shipping services, and thereby offends an established public
18 policy, and engages in immoral, unethical, oppressive, and unscrupulous activities that are
19 substantially injurious to consumers.

20 46. As stated in this Complaint, plaintiff alleges violations of consumer protection,
21 unfair competition and truth in advertising laws, resulting in harm to consumers. Defendant's
22 acts and omissions also violate and offend the public policy against engaging in false and
23 misleading advertising, unfair competition and deceptive conduct towards consumers. This
24 conduct constitutes violations of the unfair prong of Business & Professions Code §17200, *et*
25 *seq.*

26 47. There were reasonably available alternatives to further SKECHERS'
27 legitimate business interests, other than the conduct described herein.
28

53. Plaintiff, on behalf of herself, all others similarly situated, and the general public, seeks restitution and disgorgement of all money obtained from plaintiff and the members of the Class collected as a result of unfair competition, an injunction prohibiting defendant from continuing such practices, corrective advertising and all other relief this Court deems appropriate, consistent with Business & Professions Code §17203.

Violations of the Consumers Legal Remedies Act – Civil Code §1750 *et seq.*

56. This cause of action is brought pursuant to the Consumers Legal Remedies Act, California Civil Code §1750, *et seq.* (the “Act”). Plaintiff is a consumer as defined by California Civil Code §1761(d). SKECHERS Shape-ups® footwear are goods within the meaning of the Act.

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1 written notice pursuant to §1782 of the Act, plaintiff will amend this Complaint to add claims
2 for actual, punitive and statutory damages, as appropriate.

3 62. Defendant's conduct is malicious, fraudulent and wanton.

4 **COUNT III**

5 **Breach of Express Warranty**

6 63. Plaintiff repeats and realleges the allegations contained in the paragraphs
7 above, as if fully set forth herein.

8 64. Plaintiff brings this claim individually and on behalf of the Class.

9 65. Plaintiff, and each member of the Class, formed a contract with defendant at
10 the time plaintiff and the other members of the Class purchased the Shape-ups® footwear.
11 The terms of that contract include the promises and affirmations of fact made by SKECHERS
12 on its Shape-ups® packaging and through its marketing campaign, as described above. This
13 product packaging and advertising constitutes express warranties, became part of the basis of
14 the bargain, and is part of a standardized contract between plaintiff and the members of the
15 Class on the one hand, and SKECHERS on the other.

16 66. All conditions precedent to SKECHERS' liability under this contract have
17 been performed by plaintiff and the Class.

18 67. SKECHERS breached the terms of this contract, including the express
19 warranties, with plaintiff and the Class by not providing the Shape-ups® footwear which
20 could provide the benefits described above.

21 68. As a result of SKECHERS' breach of its contract, plaintiff and the Class have
22 been damaged in the amount of the purchase price of the Shape-ups® footwear they
23 purchased.

24 **PRAYER FOR RELIEF**

25 Wherefore, plaintiff prays for a judgment:

26 A. Certifying the Class as requested herein;

27 B. Awarding plaintiff and the proposed Class members damages;

28

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C. Awarding restitution and disgorgement of SKECHERS' revenues to plaintiff and the proposed Class members;

D. Awarding declaratory and injunctive relief as permitted by law or equity, including: enjoining defendant from continuing the unlawful practices as set forth herein, and directing defendant to identify, with Court supervision, victims of its conduct and pay them restitution and disgorgement of all monies acquired by defendant by means of any act or practice declared by this Court to be wrongful;

E. Ordering SKECHERS to engage in a corrective advertising campaign;

F. Awarding attorneys' fees and costs; and

G. Providing such further relief as may be just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: June 17, 2010

BLOOD HURST & O'REARDON, LLP
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SKECHERS Shape-ups
with Joe Montana
Shop this collection



Shape-ups by
SKECHERS
Shop this collection



Women's Slip-Resistant
Shape-ups for Work
Shop this collection



Men's Slip-Resistant
Shape-ups for Work
Shop this collection



SKECHERS Shape-ups
with Joe Montana
Shop this collection



Women's Shape-ups by
SKECHERS
Shop this collection



Women's Shape-ups XF
by **SKECHERS**
Shop this collection



SKECHERS Kids
Girl Power
Shop this collection



Men's Shape-ups by
SKECHERS
Shop this collection



Men's
SKECHERS Sport



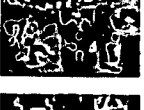
Shape-ups by
SKECHERS
Shop this collection



Women's Shape-ups by
SKECHERS
Shop this collection



Women's Shape-ups by
SKECHERS
Shop this collection



Women's
SKECHERS Active
Shop this collection



Men's
SKECHERS Sport
Shop this collection



Men's
SKECHERS USA
Shop this collection



NOW VIEWING: SKECHERS Shape-ups with Joe Montana

SKECHERS
Fitness Group

Shape-ups

DESIGNED TO HELP

- FIGHT BACK PAIN
- TIGHTEN MUSCLES
- IMPROVE POSTURE
- ENHANCE STRENGTH
- IMPROVE BALANCE

GET BACK IN THE GAME

myshapeups.com

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SKECHERS Shape-ups
with Joe Montana
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Shape-ups by
SKECHERS
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Women's Slip-Resistant
Shape-ups for Work
Shop this collection



Men's Slip-Resistant
Shape-ups for Work
Shop this collection



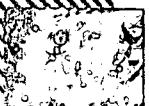
SKECHERS Shape-ups
with Joe Montana
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups XF
by **SKECHERS**
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SKECHERS Kids
Girl Power
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Men's
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Women's Shape-ups by
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Men's
SKECHERS USA
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NOW VIEWING: Shape-ups XF and XT by SKECHERS

SKECHERS
Shape-ups

SHAPE-UP ANYWHERE!

DESIGNED TO HELP

- BURN MORE CALORIES
- TONE MUSCLES
- IMPROVE POSTURE
- REDUCE STRESS AND BACK AND LEGS

SHAPE UP WHILE YOU WALK

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SKECHERS Shape-ups
with Joe Montana
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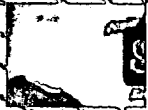
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SKECHERS
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Women's Slip-Resistant
Shape-ups for Work
Shop this collection



Men's Slip-Resistant
Shape-ups for Work
Shop this collection



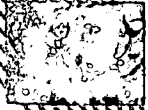
SKECHERS Shape-ups
with Joe Montana
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups XF
by **SKECHERS**
Shop this collection



SKECHERS Kids
Girl Power
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Men's Shape-ups by
SKECHERS
Shop this collection



Men's
SKECHERS Sport



Shape-ups by
SKECHERS
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups by
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SKECHERS Active
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Men's
SKECHERS Sport
Shop this collection



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SKECHERS USA
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NOW VIEWING: Women's Slip-Resistant Shape-ups for Work

SKECHERS
FLEXIBLE FOOTWEAR

Shape-ups

SLIP RESISTANT

SHAPE UP WHILE YOU WORK

Designed to help:

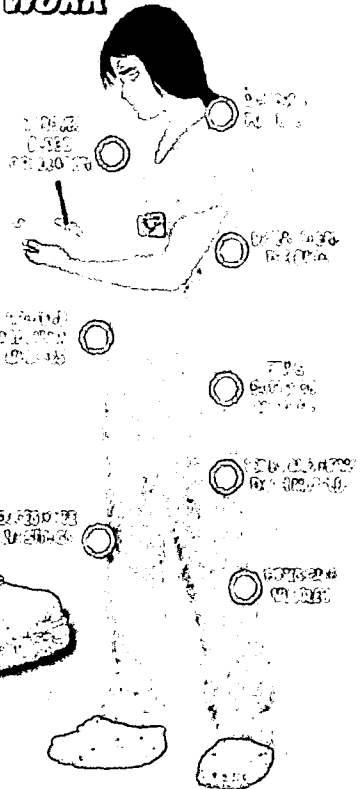
- Protect against slippery surfaces
- Tone muscles
- Improve posture
- Reduce joint stress
- Burn more calories



Insert Footing

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SKECHERS
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Shape-ups for Work
Shop this collection



Men's Slip-Resistant
Shape-ups for Work
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SKECHERS Shape-ups
with Joe Montana
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups XF
by **SKECHERS**
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Girl Power
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Men's Shape-ups by
SKECHERS
Shop this collection



Men's
SKECHERS Sport



Shape-ups by
SKECHERS
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups by
SKECHERS
Shop this collection



Women's
SKECHERS Active
Shop this collection



Men's
SKECHERS Sport
Shop this collection



Men's
SKECHERS USA
Shop this collection



NOW VIEWING: Men's Slip-Resistant Shape-ups for Work

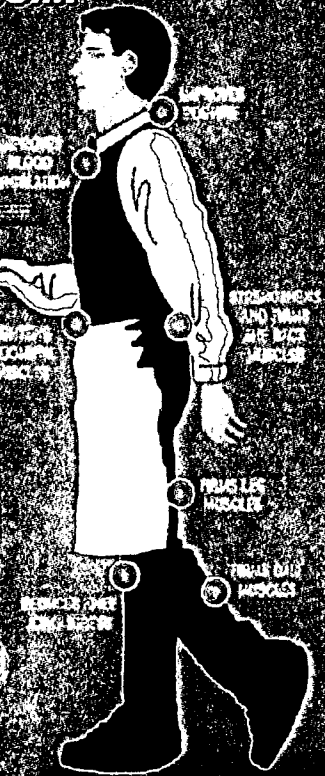
SKECHERS Shape-ups

SLIP RESISTANT

SHAPE UP WHILE YOU WORK

Designed to help:

- Protect against slippery surfaces
- Tone muscles
- Improve posture
- Reduce joint stress
- Burn more calories



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Men's Slip-Resistant
Shape-ups for Work
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with Joe Montana
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SKECHERS
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Women's Shape-ups XF
by **SKECHERS**
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Girl Power
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Men's
SKECHERS Sport



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Women's Shape-ups by
SKECHERS
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Women's Shape-ups by
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SKECHERS Active
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Men's
SKECHERS Sport
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SKECHERS USA
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NOW VIEWING: SKECHERS Shape-ups ads cover the globe with Hall of Fame Quarterback Joe Montana



SKECHERS
Performance Group
SHAPE UP
SHAPE UP WHILE YOU WALK

Designed to help:

- Burn more calories
- Firm muscles
- Reduce joint stress



Testimonial

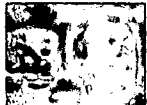
"I spent 15 years as a football player - I was an amazing line, but also pushed my body to its limit. Since I started wearing my Shape-ups, I have noticed an improvement in my core strength, and the pressure on my back and knees has eased."

— Joe Montana, Hall of Fame Quarterback



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Girl Power
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SKECHERS
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Men's
SKECHERS Sport



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NOW VIEWING: Women's Shape-ups by SKECHERS

SKECHERS
Fitness Group

Shape-ups

SHAPE-UP ANYWHERE!

SHAPE UP WHILE YOU WALK

IMPROVES POSTURE
TIGHTENS THE BACK
TIGHTENS THE THIGH
TIGHTENS THE CALF
TIGHTENS THE ANKLE
TIGHTENS THE SHOULDER
TIGHTENS THE NECK
TIGHTENS THE WAIST
TIGHTENS THE BUTTOCKS
TIGHTENS THE LEGS
TIGHTENS THE FEET

DESIGNED TO HELP

- BURN MORE CALORIES
- TONE MUSCLES
- IMPROVE POSTURE

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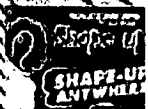
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with Joe Montana
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Women's Shape-ups by
SKECHERS
Shop this collection



Women's Shape-ups XF
by **SKECHERS**
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Girl Power
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SKECHERS
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Men's
SKECHERS Sport



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NOW VIEWING: Women's Shape-ups XF by SKECHERS

SKECHERS
Fitness Group

Shape-ups

SHAPE-UP ANYWHERE!

DESIGNED TO HELP

- BURN MORE CALORIES
- TONE MUSCLES
- IMPROVE POSTURE

New XF
EXTENDED FITNESS
COMFORT & SUPPORT

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Girl Power
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Men's
SKECHERS Sport



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SKECHERS
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Women's
SKECHERS Active
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Men's
SKECHERS Sport
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Men's
SKECHERS USA
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NOW VIEWING: Men's Shape-ups by SKECHERS

Now From SKECHERS Fitness Footwear

Shape-ups

SHAPE UP WHILE YOU WALK

Designed to:

- Improve posture
- Strengthen and firm the back muscles
- Reduce stress on knee and ankle joints
- Burn calories

Comments from Actual Shape-ups Wearers:

This is the most comfortable shoe I have ever put on. I feel myself standing up straighter and the amount of cushion and bounce in the sole is incredible!

— Craig H. Am

Shape-ups really help my back feel better — and after walking in the shoes daily, my muscles feel much stronger!

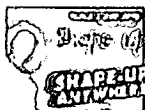
— Fred L. Anzold

After performing a six week clinical trial testing the benefits of SKECHERS Shape-ups, I am confident in recommending them to patients to increase their lumbar endurance and improve gait strength. Patients who benefited from weight loss and improved body composition.

— Dr. Steve Courney, California

Get In Shape Without Setting Foot In a Gym.

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Girl Power
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Men's Shape-ups by
SKECHERS
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Men's
SKECHERS Sport



Shape-ups by
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups by
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Women's
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Men's
SKECHERS Sport
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Men's
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Slip-Resistant Shape-ups
for Work
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SKECHERS Kids



SKECHERS
Slip-Resistant Footwear
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Women's Shape-ups by
SKECHERS
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SKECHERS Women's
Wedges
Shop this collection



SKECHERS Women's
Active Shoes
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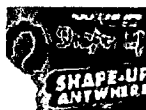
NOW VIEWING: Shape-ups by SKECHERS

SKECHERS Shape-ups
SHAPE UP WHILE YOU WALK

Designed to:
• Reduce weight
• Improve posture
• Reduce strain on knees and ankles

Custom Shape - Without Setting Foot in a Gym

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by **SKECHERS**
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Girl Power
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Men's Shape-ups by
SKECHERS
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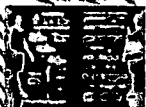
Men's
SKECHERS Sport



Shape-ups by
SKECHERS
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Women's Shape-ups by
SKECHERS
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Women's Shape-ups by
SKECHERS
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Women's
SKECHERS Active
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Men's
SKECHERS Sport
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SKECHERS USA
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Slip-Resistant Shape-ups
for Work
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SKECHERS Kids



SKECHERS
Slip-Resistant Footwear
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Women's Shape-ups by
SKECHERS
Shop this collection



SKECHERS Women's
Wedges
Shop this collection



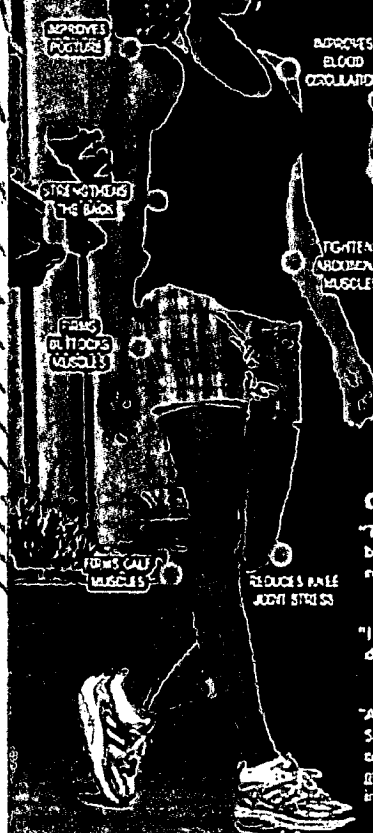
SKECHERS Women's
Active Shoes
Shop this collection

NOW VIEWING: Women's Shape-ups by **SKECHERS**

New From
SKECHERS
Fitness Footwear

Shape-ups

SHAPE UP WHILE YOU WALK



Patent Pending



Designed to:

- Promote weight loss
- Tone muscles
- Improve posture

Comments from Actual Shape-ups Wearers:

"They are so nice to walk in and in fact really inspire you to walk by the way they propel you... they're very supportive and make really well. I don't know how I ever lived without them!"

- Pam, Massachusetts

"I can stay on my feet longer (for work) and my legs are definitely more toned... they are very comfortable!"

- Terry, Oklahoma

"After performing a six week clinical trial testing the benefits of SKECHERS Shape-ups, I am confident in recommending them to patients to increase their low back endurance and improve gluteal strength. Patients also benefited from weight loss and improved body composition."

- Dr. Steve Gendreau, California

Get in Shape Without Setting Foot in a Gym.

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by SKECHERS**
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Girl Power
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SKECHERS**
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**Men's
SKECHERS Sport**



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SKECHERS Active**
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SKECHERS USA**
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**Slip-Resistant Shape-ups
for Work**
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SKECHERS Kids



SKECHERS
Slip-Resistant Footwear
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SKECHERS**
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**SKECHERS Women's
Wedges**
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**SKECHERS Women's
Active Shoes**
Shop this collection



NOW VIEWING: Women's Shape-ups by SKECHERS

SKECHERS
Shape-ups
SHAPE UP WHILE YOU WALK

Designed to:
• Reduce excess body weight
• Improve posture

EXPERIENCE THE ART OF SHAPE-UPS DESIGN:
"The fact is, there are about 100 million different ways to wear a shoe. It's not just the way you wear it, it's the way you feel it." — Bob Moore

"We are excited to work together to create the most comfortable, most supportive, most stylish shoe in the world. The result is a shoe that is not just a shoe, it's a lifestyle." — Bob Moore

"These Shape-ups are the perfect combination of style and comfort. They are the perfect shoe for the woman who wants to look great and feel great." — Bob Moore

"I can't say enough about these shoes. They are the perfect shoe for the woman who wants to look great and feel great." — Bob Moore

"I can't say enough about these shoes. They are the perfect shoe for the woman who wants to look great and feel great." — Bob Moore

"I can't say enough about these shoes. They are the perfect shoe for the woman who wants to look great and feel great." — Bob Moore

"I can't say enough about these shoes. They are the perfect shoe for the woman who wants to look great and feel great." — Bob Moore

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Women's
SKECHERS Active
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Men's
SKECHERS Sport
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SKECHERS USA
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Slip-Resistant Shape-ups
for Work
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SKECHERS Kids

SKECHERS
Slip-Resistant Footwear
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Women's Shape-ups by
SKECHERS
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SKECHERS Women's
Wedges
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SKECHERS Women's
Active Shoes
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SKECHERS Women's
Sneakers
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SKECHERS Men's
Casual Shoes
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SKECHERS Men's
Shoes
Shop this collection

SKECHERS Men's
Shoes
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SKECHERS Work
Shoes
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NOW VIEWING: Slip-Resistant Shape-ups for Work

SKECHERS
Slip-Resistant Shape-ups

SLIP RESISTANT

SHAPE UP WHILE YOU WORK

Designed for:
• foot motion weight lifting
• flat surfaces
• improve posture

SKECHERS
WORK

Get In Shape Without Setting Foot In a Gym.

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Men's
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for Work
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SKECHERS Kids

SKECHERS
Slip-Resistant Footwear
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Women's Shape-ups by
SKECHERS
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SKECHERS Women's
Wedges
Shop this collection

SKECHERS Women's
Active Shoes
Shop this collection

SKECHERS Women's
Sneakers
Shop this collection


SKECHERS Men's
Casual Shoes
Shop this collection

SKECHERS Men's
Shoes
Shop this collection

SKECHERS Men's
Shoes
Shop this collection

SKECHERS Work
Shoes
Shop this collection

NOW VIEWING: SKECHERS Women's Shape-ups



SKECHERS
Fitness Footwear
Shape-ups
SHAPE UP WHILE YOU WALK

Designed to:

- Flatten & tighten
- Tone muscles
- Improve posture

IMPROVE POSTURE
FLATTEN & TIGHTEN
TONE MUSCLES
IMPROVE POSTURE
FLATTEN & TIGHTEN
TONE MUSCLES
IMPROVE POSTURE

SKECHERS

Get in Shape Without Setting Foot in a Gym.
Visit Skechers.com

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SKECHERS Times Square Store
New York City, New York
Shop this collection



SKECHERS Shape-ups at Harrods
London, England
Shop this collection



SKECHERS Shape-ups at Harrods
London, England
Shop this collection



SKECHERS Women's Footwear
on New York Buses
Shop this collection



NOW VIEWING: SKECHERS Times Square Store in New York City

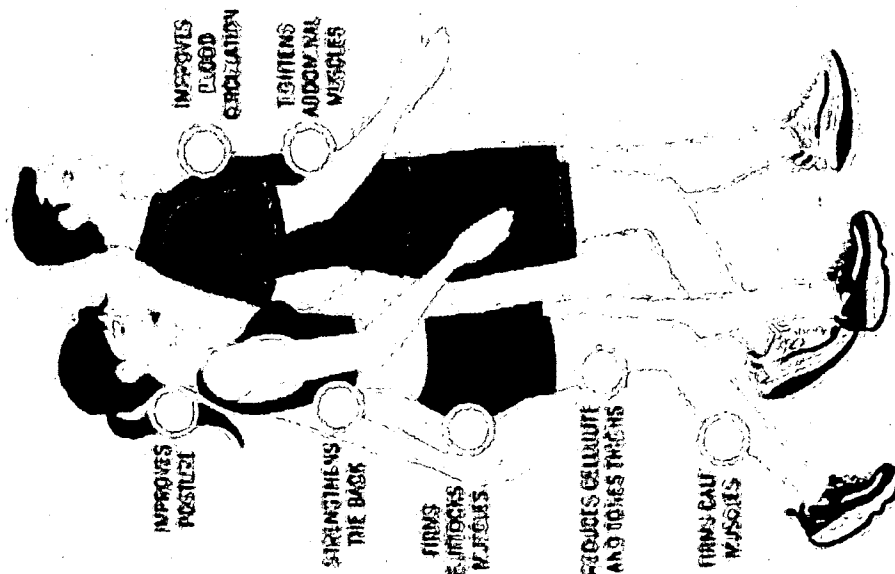


CHANGE YOUR LIFE BY WALKING IN *Shape-Ups*.

Walking is a form of endurance exercise which means it strengthens your heart, helps you lungs work more efficiently, and increases your stamina. Also a weight-bearing exercise, it helps strengthen your bones and muscles, and maintain joint flexibility.

Shape Ups™ are designed to enhance the benefits of walking by stimulating muscles not utilized with standard walking shoes. They also reduce the impact on joints by providing a more natural, forgiving walking surface. Walking on a soft surface may seem awkward at first, but your body will compensate by activating muscles in your legs, buttocks, back and stomach to control your body, resulting in improved coordination and posture, stronger muscles, and increased blood flow.

Shape Ups will have a positive impact on you physically. Regular use of Shape Ups help you sleep better and can play an important role in combating stress. It's as easy as walking in Shape Ups.



SHAPE UP WHILE YOU WALK™





600 B Street, Suite 1550 | San Diego, CA 92101
T | 619.338.1100 F | 619.338.1101
www.bholaw.com

Timothy G. Blood
tblood@bholaw.com

June 17, 2010

VIA CERTIFIED MAIL (RETURN RECEIPT)
(RECEIPT NO. 7005 0390 0005 9156 2547)

Mr. Robert Greenberg
Chairman of the Board and CEO
SKECHERS U.S.A., Inc.
228 Manhattan Beach Blvd.
Manhattan Beach, CA 90266

Re: SKECHERS Shape-ups®

Dear Mr. Greenberg:

We represent Tamara Grabowski ("Plaintiff") and all other consumers similarly situated in an action against SKECHERS USA, Inc. ("SKECHERS" or "defendant"), arising out of, *inter alia*, misrepresentations by SKECHERS to consumers that SKECHERS Shape-ups® provide consumers with health benefits, including promoting weight-loss, improving posture, improving blood circulation, burning calories, strengthening various muscles, reducing stress on knees, legs and joints, and promoting sleep and reducing stress.

Plaintiff and others similarly situated purchased Shape-ups®, unaware of the fact that defendant's representations were not truthful and that there is no adequate scientific or clinical proof that Shape-ups® provide the purported major health benefits to all persons. The full claims, including the facts and circumstances surrounding these claims, are detailed in the Class Action Complaint, a copy of which is attached and incorporated by this reference.

These representations and omissions are false and misleading and constitute unfair methods of competition and unlawful, unfair, and fraudulent acts or practices, undertaken by defendants with the intent to result in the sale of Shape-ups® to the consuming public.

Defendant's practices constitute violations of the Consumers Legal Remedies Act, California Civil Code §1750 *et seq.* Specifically, defendant's practices violate California Civil Code §1770(a) under, *inter alia*, the following subdivisions:

- (5) Representing that goods or services have . . . approval, characteristics, . . . uses [or] benefits . . . which they do not have

* * *

- (7) Representing that goods or services are of a particular standard, quality or grade . . . if they are of another.

* * *

- (9) Advertising goods or services with intent not to sell them as advertised.



Mr. Robert Greenberg
June 17, 2010
Page 2

* * *

- (16) Representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not.

As detailed in the attached Complaint, defendant's practices also violate California Business and Professions Code §17200 *et seq.*, and constitute a breach of warranty.

While the Complaint constitutes sufficient notice of the claims asserted, pursuant to California Civil Code §1782 and California Commercial Code §2607, we hereby demand on behalf of our client and all others similarly situated that defendant immediately correct and rectify these violations by ceasing the misleading marketing campaign, ceasing dissemination of false and misleading information as described in the enclosed Complaint, and initiating a corrective advertising campaign to re-educate consumers regarding the truth of the products at issue. In addition, SKECHERS must offer to refund the purchase price to all consumer purchasers of Shape-ups®, plus provide reimbursement for interest, costs, and fees.

We await your response.

Sincerely,

TIMOTHY G. BLOOD

TGB:rc

Enclosure

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

TAMARA GRABOWSKI, On Behalf of Herself, All Others Similarly Situated and the General Public

(b) County of Residence of First Listed Plaintiff San Diego, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Timothy G. Blood, Blood Hurst & O'Reardon, LLP
600 B Street, Ste. 1550, San Diego, CA 92101 619/338-1100

DEFENDANTS

SKECHERS U.S.A. 2010 JUN 18 AM 11:20
County of Residence of First Listed Defendant Los Angeles, CA
U.S. DISTRICT COURT OF CENTRAL DISTRICT OF CALIFORNIA
U.S. PLAINTIFF CASES ONLY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
BY WVG DEPUTY

Attorneys (If Known)

10 CV 1300 JM

WVG

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332(d)(w)

Brief description of cause:
Violation of Civil Code 1750, Bus. & Prot. Code 17200, Breach of Express Warranty

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ 5,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
06/17/2010

SIGNATURE OF ATTORNEY OF RECORD

Timothy G. Blood

FOR OFFICE USE ONLY

RECEIPT # 14761

AMOUNT \$350

APPLYING IFP

JUDGE

MAG. JUDGE

AB 46-18-10

ORIGINAL

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS014761
Cashier ID: mbain
Transaction Date: 06/18/2010
Payer Name: BLOOD HURST AND OREARDON

CIVIL FILING FEE
For: GRABOWSKI V SKECHERS
Case/Party: D-CAS-3-10-CV-001300-001
Amount: \$350.00

CHECK
Check/Money Order Num: 1185
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.